IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 29137 of 2006(R)

PETITIONER:
----

1. C.K.SATHEESH CHANDRAN,
POLIYEDATH, MOONUMURI, P.O.MATTATHOOR,
THRISSUR DISTRICT.

2. C.K.HEMALATHA,
POLIYEDATH, MOONUMURI, P.O.MATTATHOOR,
THRISSUR DISTRICT.

3. C.K.RAGHUNATH,
POLIYEDATH, MOONUMURI, P.O.MATTATHOOR,
THRISSUR DISTRICT.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:
----

1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

2. C.K.GOPINATH,
MANAGER, SREE KRISHNA HIGH SCHOOL,
POLIYEDATH KESHAVA MENON AND AMMALU AMMA
MEMORIAL EDUCATIONAL AGENCY, MOONUMURI,
MATTATHOOR.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL
G.P.SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

EXT.P1	**PHOTOCOPY OF THE JUDGMENT DATED 19-09-06 IN W.P.C.NO.24204/06 OF THIS COURT.**
EXT.P2	**PHOTOCOPY OF THE REPRESENTATION**
EXT.P3	**PHOTOCOPY OF THE ACKNOWLEDGMENT**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No. 29137 OF 2006

Dated this the 13th day of December,2006.

JUDGMENT

Case of the petitioners in brief is as follows:

The second respondent was elected as the Manager of Sree Krishna High School. After assuming charge of the Manager, the first respondent made appointments of the teachers and non-teaching staff without informing the other members of the governing body in an arbitrary manner and he did not deliberately keep the accounts. It is stated that large amounts were collected from the teachers and other staff appointed in the school.

2. Petitioners have preferred an earlier writ petition and it was allowed to be withdrawn with liberty to the petitioners to pursue the remedy under Chapter III vide Ext.P1 judgment. Thereafter, they submitted Ext.P2 representation before the first respondent under Chapter III of the K.E.R. Complaint of the petitioners is that no action has been taken on the same so far.

3. Second respondent has filed a detailed counter affidavit. Wherein, he has denied the allegations. In particular, it is stated that the appointments have been made strictly in accordance

with the K.E.R. and some appointees are actually appointed by the former manager. It is also stated that promotions already made were in accordance with the provisions of the K.E.R.

4. In view of the fact that petitioners have moved a complaint, I feel that the matter has to be decided by the Director of Public Instruction after conducting an enquiry in accordance with law. Accordingly, the writ petition is disposed of directing the first respondent to take a decision in accordance with law on the representation after conducting proper enquiry with notice to the second respondent and any other affected party. This shall be done as expeditiously as possible, at any rate within four months from the date of receipt of a copy of this judgment. I make it clear that I have not expressed any view on the merits of the matter.

Writ petition is disposed of as above.

K.M.JOSEPH.
JUDGE.

sv.